



High Speed Rail (West Midlands - Crewe) Act 2021

2021 CHAPTER 2

Temporary possession and use of land

13 Temporary possession and use of land

Schedules 15 and 16 contain provision about temporary possession and use of land in connection with the works authorised by this Act.

14 Use of roads

- (1) The nominated undertaker may use any road situated on land specified in the table in Schedule 8 for the passage of persons or vehicles (with or without materials, plant or machinery) for Phase 2a purposes.
- (2) The power under subsection (1) is exercisable on giving at least 7 days' notice (or, where access is urgently required, such notice as is reasonably practicable) to the owners and occupiers of the land.
- (3) But subsection (2) does not require notice to be given in relation to a road where notice under that subsection has already been given in relation to the road.
- (4) The power under subsection (1) may not be exercised after the end of 5 years beginning with the date on which Phase 2a of High Speed 2 is brought into general use.
- (5) The nominated undertaker must compensate the person having the management of a road to which subsection (1) applies for any loss which the person may suffer by reason of the exercise of the power under that subsection.
- (6) Any dispute as to a person's entitlement to compensation under subsection (5), or as to the amount of compensation, must be determined under and in accordance with Part 1 of the Land Compensation Act 1961.

15 Enforcement of restrictions on land use

- (1) This section applies where—
 - (a) a prohibition or restriction relating to the use of land is imposed by a covenant or agreement between a person interested in the land (“the promisor”) and the Secretary of State, and
 - (b) the covenant or agreement is made for Phase 2a purposes.
- (2) The Secretary of State may enforce the prohibition or restriction against persons deriving title from or under the promisor in respect of land to which it relates as if—
 - (a) the Secretary of State were possessed of adjacent land, and
 - (b) the covenant or agreement had been expressed to be made for the benefit of such land.
- (3) Section 2(c) of the Local Land Charges Act 1975 (under which a prohibition or restriction enforceable by a Minister of the Crown under a covenant or agreement is not a local land charge if binding on successive owners because made for the benefit of land of the Minister) does not apply to the prohibition or restriction.

16 Compensation for injurious affection

Section 10(1) of the Compulsory Purchase Act 1965 (compensation for injurious affection) has effect, in relation to land injuriously affected by the execution of works under this Act by the nominated undertaker, as if for “acquiring authority have” there were substituted “nominated undertaker has”.